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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 351/2026

AZHER NISAR SHERVANI

.....Appellant

Through: Mr. P.S. Bindra, Sr. Adv. with Mr.
N.S. Arora & Mr. Manish Khurana,
Advs.

Versus

VIJENDRA KUMAR, DEPUTY DIRECTOR
(HORTICULTURE), DDA

.....Respondent

Through: Mr. R.K. Dhawan, Ms. Manisha
Dhawan, Mr. V.K. Teng & Mr.
Pawan Karan Deo, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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12.05.2026

CM No.31755/2026 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM Nos.31756/2026 & 31757/2026

3. Having heard the learned Counsel for the Parties, the delay in filing and re-filing the accompanying Appeal is condoned.
4. The Applications stand disposed of.

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5. Heard the learned Counsel for the Parties.
6. The present Appeal seeks to challenge the order dated 14.01.2026 (“**Impugned Order**”) passed by the learned Single Judge in Cont. Cas (C) No.8/2026 (“**Contempt Petition**”) whereby the Contempt Petition has been dismissed.



7. In view of the law laid down by the Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399***, an intra-court appeal against an order passed in contempt proceedings is not maintainable unless the Contempt Court issues any direction or passes an order touching upon the *inter-se* merit of the case between the parties.

8. The learned Counsel for the Appellant draws our attention to Paragraph No.11 of the Impugned Order dated 14.01.2026 whereby the prayer made by the Appellant before the learned Single Judge to transfer the Contempt Petition before the Bench where the Writ Petition was pending was refused. In the wake of the said refusal, the learned Counsel for the Appellant states that the instant LPA would be maintainable.

9. We are afraid, we cannot agree with the submission made by the learned Counsel for the Appellant. On the date of passing of the Impugned Order, the contempt jurisdiction was with the learned Single Judge, who has passed the order and, accordingly, as to whether the Contempt Petition was to be transferred to some other bench or not is the discretion, which has rightly been exercised by the learned Single Judge while passing the Impugned Order.

10. In view of the above, the Impugned Order needs no interference. The Appeal is accordingly dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 12, 2026

'gsr'